

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**DONOVAN J. ANDERSON, M.D.**

Holder of License No. 13491  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-03-0319

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Donovan J. Anderson, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

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1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director  
5 upon signing this agreement, and returning this document (or a copy thereof) to the  
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent  
7 Agreement. Respondent may not make any modifications to the document. Any  
8 modifications to this original document are ineffective and void unless mutually approved  
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once  
11 approved and signed, is a public record that may be publicly disseminated as a formal  
12 action of the Board and will be reported to the National Practitioner Data Bank and to the  
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise  
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
16 force and effect.

17  
18  
19   
20 DONOVAN J. ANDERSON, M.D.

DATED: 1/16/04

## FINDINGS OF FACT

1           1.     The Board is the duly constituted authority for the regulation and control of  
2  
3 the practice of allopathic medicine in the State of Arizona.

4           2.     Respondent is the holder of license number 13491 for the practice of  
5 allopathic medicine in the State of Arizona.

6           3.     The Board initiated case number MD-03-0319 after receiving a complaint  
7 regarding Respondent's care and treatment of a 70 year-old male patient ("B.S.").

8           4.     On June 12, 1998, B.S. presented to Respondent, as a new patient, with  
9 complaints of allergies, feeling tired, gas, and of being unable to sleep. B.S. also reported  
10 a history of blood in the stool and a history of an ulcer.

11          5.     Respondent conducted a physical examination, consisting of a head, eyes,  
12 ears, nose and throat examination, and an examination of the lungs, heart and abdomen.  
13 Respondent did not perform a rectal examination, did not gather a detailed history of the  
14 color and frequency of the stool, nor did he evaluate other causes of bleeding.  
15 Respondent diagnosed B.S. with allergies and fatigue, prescribed Ambien, and instructed  
16 B.S. to return to the clinic as needed.

17          6.     On January 22, 1999, B.S. underwent an abdominal perineal resection of a  
18 large mass, performed by another physician. B.S. was diagnosed as having carcinoma of  
19 the rectum with colostomy.

20          7.     The standard of care required Respondent to conduct a complete history and  
21 physical of a patient with blood in the stool, including a rectal examination and to refer the  
22 patient for further studies, such as fecal occult blood testing, flexible sigmoidoscopy,  
23 colonoscopy, barium enema or other such studies.

24          8.     Respondent's conduct deviated from the standard of care by not conducting  
25 a complete history and physical, including a rectal examination and testing for occult fecal  
blood, and by failing to refer the patient for a colonoscopy and/or barium enema.

1 9. B.S. was harmed because six months after treatment by Respondent, he  
2 required an abdominal perineal resection with colonoscopy, secondary to rectal cancer  
3 that went undiagnosed by Respondent.

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter hereof and over  
6 Respondent.

7 2. The conduct and circumstances described above constitute unprofessional  
8 conduct pursuant to A.R.S. § 32-1401 (24)(II) – (“[c]onduct that the board determines is  
9 gross negligence, repeated negligence or negligence resulting in harm to or the death of a  
10 patient.”)

11 **ORDER**

12 IT IS HEREBY ORDERED THAT:

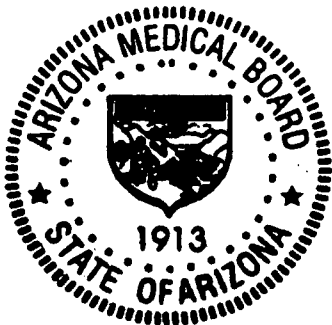
13 1. Respondent is issued a Letter of Reprimand for failing to conduct a complete  
14 physical examination, including a rectal examination, and for failing to refer the patient for  
15 further studies.

16 2. Respondent shall pay a civil penalty in the amount of \$1,000.00 within 60  
17 days.

18 3. This Order is the final disposition of case number MD-03-0319.

19 DATED AND EFFECTIVE this 16<sup>th</sup> day of JANUARY, 2008.<sup>4</sup>

22 (SEAL)



ARIZONA MEDICAL BOARD

By

BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

25 ORIGINAL of the foregoing filed this  
16<sup>th</sup> day of JANUARY, 2008 with:  
4

1 Arizona Medical Board  
2 9545 E. Doubletree Ranch Road  
3 Scottsdale, AZ 85258

4 EXECUTED COPY of the foregoing mailed by  
5 Certified Mail this 16<sup>th</sup> day of January, 2003<sup>4</sup> to:

6 Donovan J. Anderson, M.D.  
7 8700 Highway 95  
8 Mohave Valley AZ 86440-8519

9 EXECUTED COPY of the foregoing  
10 hand-delivered this 16<sup>th</sup> day of  
11 January, 2003, to:

12 Sandra Waitt, Information Systems Analyst  
13 Arizona Medical Board  
14 9545 E. Doubletree Ranch Road  
15 Scottsdale, AZ 85258

16 For M Gra  
17 Information Services  
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